Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations	))))))	IB Docket No. 00-248

COMMENTS OF
THE NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

The National Cable & Telecommunications Association ("NCTA") hereby submits its comments on the Third Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding. NCTA is the principal trade association representing the cable television industry in the United States. Its members include more than 200 cable programming networks, cable operators serving more than 90% of the nation's cable television subscribers, and suppliers of equipment and services to the cable industry.

In the Notice, the Commission proposes to replace the current regulatory regime for spectrum usage by satellite network earth stations and space stations. The current framework is based on two rules: (1) an on-axis power limit, and (2) an off-axis emission gain mask. Those rules would be replaced by a single rule that specifies off-axis EIRP per kHz density limits at various angular ranges.[1]

[1] *See* Notice, Appendix C. The off-axis density limits range from $29.5 - 25\log_{10}\theta$ dBW/4kHz at 1.5 degrees off-axis to -9.5 dBW/4kHz at -180 degrees.

The Commission is concerned, however, that while these new limits would facilitate more efficient use of the spectrum for digital satellite transmissions, they might not be suitable for analog transmissions. Specifically, the Commission is concerned – and has preliminarily concluded – that analog transmissions under the new limits could cause interference to other licensed transmissions.

The Commission has leapt from this preliminary conclusion to a draconian step: It proposes prohibiting analog C-band video transmissions, unless companies wishing to continue such transmissions submit detailed technical analyses in this proceeding showing that other users will be fully protected.

Considering the extent to which C-Band analog video transmission is still used by the cable industry, and the substantial costs of abandoning analog equipment and transitioning to digital transmission, a more balanced and deliberate approach seems warranted. It is true that, as the Commission notes, analog satellite transmissions by cable program networks are diminishing in number.[2] And, as comments to be filed by cable program networks in this proceeding will acknowledge, there will inevitably come a time when the efficiencies and advantages of digital technology will lead to the abandonment of analog transmissions. But there are significant costs to acquiring new digital transmission and receiving equipment, and cable program networks have planned to transition gradually rather than undertaking a wholesale replacement of analog equipment that is still fully usable.

[2] Notice, ¶ 87

In fact, there are still approximately 70 analog transponders in active use within the industry.[3] These transponders are used on a full time basis by cable program providers to deliver program services to millions of cable customers throughout the cable industry. Analog transponders may also be in use for purposes of supporting program backhauls from remote locations to studio or uplink facilities, as well as for disaster recovery plans in the event of catastrophic failure of the primary transmission path. In short, analog video transmissions are still being used to a significant degree within the cable television industry, and these transmissions remain essential to the operations of cable program providers and operators now and into the foreseeable future.

In light of these facts, the presumptions and burden of proof set forth in the Notice need to be reconsidered and reversed. Before cable networks (and cable operators who, in many cases, will have to replace analog receiving equipment when networks replace analog transmission equipment) are required to incur the substantial costs and changes to their plans that will result from a mandatory, premature switch to digital, the Commission should be convinced by evidence that such a switch is, in fact, necessary to prevent significant interference to other transmissions. It should not simply presume that such interference will occur and place on cable networks the burden of proving that it will not.

Indeed, even if a termination of analog transmissions were shown to be necessary, the one-year transition proposed by the Commission would be unrealistic

[3] See CED Magazine, March 2005, http://www.cedmagazine.com/ced/2005/0305/orbit-arc-0305.pdf .

and unworkable. Transitioning to digital requires at a minimum that cable program networks install and test digital encoder hardware and software, conditional access hardware and software, and the required back office systems to support this equipment. Cable operators, in coordination with the networks, must at a minimum replace analog receiver/decoders at the headend, and in some cases install, upgrade or replace earth station antennas. A one-year transition period is simply too short, given the costs and complexities associated with a conversion to digital and the limited number of suppliers producing the necessary hardware and software.

For these reasons, NCTA strongly urges the Commission to reconsider its preliminary decision to prohibit analog video transmissions in the context of new off-axis EIRP envelopes for earth stations in the C- and Ku-bands unless networks can prove no harm from such transmissions. The Commission should assess the evidence that is submitted by all parties and determine, on the basis of that evidence, whether there is any sufficiently significant likelihood of interference from analog transmissions that would warrant a ban on such transmissions. And it should make such a determination without presuming in advance that such a likelihood exists.

Respectfully submitted,

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